

# BOARD OF CODE STANDARDS AND APPEALS

## MINUTES

October 2, 2006

**Members:** Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Gerald Herzberg, Ed Murabito, Warren Willenberg, John Youle

**Present:** Banuelos, Coonrod, Harder, Hartwell, Hentzen, Herzberg, Murabito, Willenberg

**Absent:** Youle

**Staff Members Present:** Deb Legge, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, October 2, 2006, at 1:31 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

### 1. Approval of the Minutes of the September 11, 2006, meeting.

Board Member Coonrod made a motion to approve the September 2006 minutes as submitted. Board Member Hartwell seconded the motion. The motion passed unopposed. (Board Member Hentzen was not present during this vote.)

### 2. Approval of the September, 2006, license examination applications as follows:

| <u>Name</u>   | <u>Class</u> | <u>Test Date</u> |
|---------------|--------------|------------------|
| Gary L. Gorby | Wrecking     | October 2006     |

Board Member Coonrod made a motion to approve the license application for testing. Board Member Banuelos seconded the motion. The motion carried. (Board Member Hentzen was not present during this vote.)

### 3. Condemnation Hearings

#### Review Cases:

#### 1. 1421 North Madison (garage)

Robert Mathenia was present as a representative for this property.

Mr. Mathenia told the Board that the insurance representatives had made a site visit to his property the previous week. At the time of the Board meeting, Mr. Mathenia said that he had not heard back from the insurance company regarding their determination on the insurance monies. He had only received one estimate of all the contractors whom he had contacted. Mr. Mathenia said that he anticipated receiving more estimates from other contractors.

Board Member Hartwell questioned Mr. Mathenia about the condition of the building. Mr. Mathenia explained that the damage to the garage occurred when a tree fell onto the roof of the structure. Board Member Hartwell asked if there was insurance coverage for the damages. Mr. Mathenia replied that to his knowledge, his garage would be covered by the insurance.

Board Member Coonrod inquired whether Mr. Mathenia had been given any indication how long it would be until a decision was made on the insurance funds. Mr. Mathenia responded that he had not been given any information in that regard. He said that he would try to contact the insurance company again and make further inquiries about the money.

Board Member Hartwell asked Mr. Mathenia if he thought he might have more information on the pending outcome of the garage, whether it would be wrecked or re-built, by the next Board hearing. Mr. Mathenia replied that he felt that he would have more information by that time. Board Member Coonrod interjected that he would like to see the premise around the garage cleared of the tree limbs and trash.

A motion was made by Board Member Hartwell to keep the structure secure and to clean up the property, and to reappear at the November Board meeting to apprise the Board of the status of the insurance monies. Board Member Coonrod seconded the motion. The motion carried unopposed.

Chairman Murabito asked Ms. Legge to address the Board Members with an overview of the proposed StopBlight ordinance. Ms. Legge distributed handouts that gave a brief explanation of the StopBlight initiative and how it could be instrumental in decreasing the number of properties that are brought to the Board for condemnation action.

A new Title 30, which is the Vacant and Neglected Building Code, as well as amendments to Chapter 20, the Housing Code Ordinance, were initiated to eliminate blighted properties and restore these properties to usefulness. The strategies that are proposed will increase the severity of penalties for non-compliance with the Housing Code, particularly for repeat offenders. Additionally, Title 30 would require the owners of vacant and neglected buildings to register the structure with Central Inspection if one or more items in the listed criteria apply.

Although properties may be boarded and secure, if they remain vacant for a prolonged period of time, there could be penalties up to \$1,000 a year per building

if the owner doesn't show that they are proceeding in good faith to repair, sell, lease or rent the structure.

Another problem that will be addressed by adopting the Vacant/Neglected Building Ordinance is the issue of absentee owners. Some property owners do not respond to notices sent to them; even if the case proceeds to court, it is impossible to force the owners to appear in court. With the new ordinance, an out-of-town owner would be required to designate a local agent to be responsible for the property.

Additionally, other programs would be in place to help abate dilapidated housing conditions. A diversion program would provide the necessary time to make repairs to avoid conviction. A rehabilitation program would make funding available for repairs and prevent owners from reclaiming restored property unless they repaid the repair costs.

The ordinance's review and adoption will be presented to the District Advisory Boards in October 2006; there will be a first reading at the November 14, 2006, Council meeting; a second reading at the November 21, 2006, Council meeting; and finally, publication on November 24, 2006.

Board Member Hentzen asked if the proposed amendments and new code would apply to any building that was vacant. Ms. Legge explained that it could apply to both commercial and residential properties, but that it is intended to be directed at problem properties.

Under Title 30, there would be some instances where a property owner might wish to appeal a decision made by the Superintendent of Central Inspection. If a registration statement (Statement of Intent) is denied by the Superintendent, the owner may appeal to the Board of Code Standards and Appeals. Should the Board also deny the registration statement, the owner would then have the right to make an appeal to the City Council.

With no other business to discuss, Chairmain Murabito called for a motion to adjourn.

Board Member Coonrod made the motion to adjourn. Board Member Willenberg seconded the motion. The motion carried.

The meeting was adjourned at 1:57 p.m.